

**INSTRUCTIONS FOR FILING A PETITION
FOR TITLE TO ABANDONED PERSONAL PROPERTY
IN THE JUSTICE OF THE PEACE COURT FOR THE STATE OF DELAWARE**

A. FILL OUT AND FILE WITH THE COURT: (1) \$30 FILING FEE; (2) THE PETITION FOR TITLE (J.P. CIV. FORM NO. 51); AND (3) NOTICE OF PETITION (J.P. CIV. FORM NO. 52) FOR EACH OWNER, LIENHOLDER/INTEREST HOLDER. FORM NO. 51 SHOULD BE COMPLETED AS FOLLOWS:

1. **DESCRIPTION OF THE PROPERTY.** Give a complete description of the property including any applicable identification numbers. (For a motor vehicle give the make, year, model and vehicle identification number.)

2. **CONCISE STATEMENT OF CLAIM**

a. **HOW DID YOU OBTAIN THE PROPERTY.** Briefly state how you acquired the property. For example, did the owner leave the property with you? If so, why? Did you find the property?

b. **WHEN DID YOU OBTAIN THE PROPERTY.** State the day, month, and year on which you received or took the property in your possession.

c. **WHO GAVE YOU THE PROPERTY.** If you received the property from someone other than the owner, give the name and address of the person from whom you obtained the property.

3. **VALUE OF THE PROPERTY.** State the dollar value of the property to the best of your knowledge. If the property is an automobile the black and blue book values should be given.

4 & 5. **OWNERS OF PROPERTY/OTHER PARTIES WITH AN INTEREST IN THE PROPERTY.** List the names and addresses of all owners/other parties with an interest in the property of whom you are aware. A reasonable effort to locate the names and addresses of the owners must be made.

a. **If the property is a motor vehicle (including a mobile home),** you must obtain and attach a certificate of lien (obtain from the Department of Motor Vehicles, P.O. Box 698, Dover DE 19901 – send a \$4.00 fee and reference the vehicle identification number of the motor vehicle) and a report from the Delaware State Auto Theft Unit (New Castle County 577-3084; Kent County 697-4744; Sussex County 422-1352).

b. **If the property is any other type of property for which registration of ownership is required by law,** the agency with which it must be registered **MUST** be checked to obtain ownership/lien information and a copy of the lien search report must be attached.

c. **For all other types of property,** a lien search **MUST** be conducted if there is sufficient information as to ownership or identity of the property upon which to base a lien search.

6. **IF OWNER/OTHER PARTIES WITH AN INTEREST UNKNOWN, DESCRIBE ATTEMPTS MADE TO LOCATE.** Describe all efforts which you have made to locate the name and address of the owner or other parties with an interest in the property. If registration of ownership is required by law and/or sufficient information is available to search for liens, you must state here, under penalty of perjury, that you have checked for owners/other parties with an interest in the property with the appropriate agency. Copies of any requests for information and reports received should be attached.

7. Keep a copy of completed J.P. Civ. Form No. 51 to be used when posting J.P. Civ. Form 52A (at a later time) and for your records.

B. ADVERTISE THE FILING OF THE PETITION. Once you have received a copy of Form No. 52 (signed by the judge), along with J.P. Civ. Form Nos. 52A and 52B, from the Court, you must post a notice of the filing of the petition (J.P. Civ. Form No. 52A) along with a copy of the petition (J.P. Civ. Form No. 51) in the courthouse and three or more public places in the county in which the petition was filed within five days of receiving the copy of signed Form No. 52 from court. In addition, you must advertise the filing of the petition (using J.P. Civ. Form No. 52B) by publication in two or more daily or weekly newspapers published and/or circulated in the county in which the petition is filed. The two required newspaper advertisements should be published no later than 5 days following the date you received the copy of signed Form No. 52 from the Court. You must request that the newspaper mail you an Affidavit of Publication referencing the advertisement. (The newspaper should be familiar with the Affidavit requirements.)

C. FILE PROOF OF ADVERTISING WITH THE COURT.

A copy of the notice (J.P. Civ. Form No. 52A), a list of the locations at which it was posted, and the Affidavit of Publication from the newspaper publishing the notice, must be filed with the Court before the Court can grant title of the property to a petitioner. *Please note:* Title cannot be granted until at least 20 days have passed since the Court mailed J.P. Civ. Form No. 52, "Notice of Petition" to the owners or lienholder.

D. IF A CONSTABLE'S SALE MUST BE HELD PURSUANT TO 25 DEL.C. §4004:

If an answer is filed by the owner, lienholders or other interest holder, a hearing will be held to determine ownership rights and the property will be sold at Constable's sale if other persons besides the petitioner are determined to have an interest in the property.

1. **At least 30 days prior to the sale**, you must provide notice of the sale by:
 - a. posting notice of the sale (J.P. Civ. Form No. 56) in the courthouse and in three or more public places, and
 - b. advertising in two or more daily or weekly newspapers published and/or circulated in the county in which the sale is to be held. The advertisement must include a complete description of the property and the time, date, and place of the sale. (You must contact the Constable's office to check the Constable's fee for conducting the sale ~~and~~ make arrangements for the date and time of the sale.) You should request the newspaper to mail you an Affidavit of Publication referencing the advertisement.
2. **At least 10 days prior to the sale**, file with the Court a copy of the notice (J.P. Civ. Form No. 56), a list of the public places at which the notice was posted, an original and one copy of an Affidavit of Publication from the newspaper publishing the notice, and the \$20.00 fee for conducting the sale. (Checks **should be made payable to the "State of Delaware"**).
3. The sale may not be held until more than 30 days have passed after the sale notices (J.P. Civ. Form No. 56) were posted.

E. A PETITIONER WHO HAS BEEN GRANTED TITLE TO A MOTOR VEHICLE OR A PERSON WHO HAS PURCHASED A MOTOR VEHICLE AT SHERIFF'S SALE MUST PRESENT A COURT ORDER, THE CERTIFICATE OF LIEN AND THE AUTO THEFT REPORT TO DMV TO OBTAIN THE TITLE.